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### **New Perspectives on locatio conductio in Roman law, 6-7 June 2012, Old College, Edinburgh**

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## New Perspectives on locatio conductio in Roman law, 6-7 June 2012, Old College, Edinburgh

Posted on 11/06/2012 by [John Cairns](#)

In the nearly 100 years since the publication of Emilio Costa's *La locazione di cose nel diritto romano* (1915), the first monograph of the twentieth-century on letting and hiring in Roman law, modern understanding of this contract has changed significantly. The reasons for this are mainly twofold. First, scholars of Roman law, while still largely engaged in purely dogmatic investigations of the origins and development of legal rules and of the contributions of individual Roman jurists to this process, are slowly becoming more aware of the contexts in which these rules operated and their relation to Roman society such as, for example, in the work of Bruce Frier (*Landlords and Tenants in Imperial Rome* (1980)) and Dennis Kehoe (*Investment, Profit and Tenancy: the Jurists and the Roman Agrarian Economy* (1998)), to name but a few. In second place, the publication in 1999 of Roberto Fiori's *La definizione della 'locatio conductio'* (1999) comprehensively transformed modern understanding of the conceptual structure of this contract and finally laid to rest the much debated issue of the 'trichotomy'. The aim of this conference is to bring together scholars with an interest in locatio conductio in Roman law (whether in Roman private or public law) to explore new insights (dogmatic, social, economic) into the origin and growth of this contract.

The Conference, ably hosted by Dr Paul du Plessis, who has just published the monograph, *Letting and Hiring in Roman Legal Thought, 27BCE-284CE* (Leiden/Boston: Brill, 2012), developed these ideas through a number of excellent papers. The first was that of Dr. Paul du Plessis (Edinburgh) "The significance of locatio conductio: past, present and future research", which opened the conference with a historiographical survey setting the scene for what followed. Next, Professor Eva Jacob of Szeged, in a paper entitled "Storehouses in the Roman Empire", explored the complex links between trade, storehouses and leases in the Mediterranean world, drawing on a broad range of epigraphic, archaeological and other evidence. Professor Susan D. Martin of the University of Tennessee (Knoxville) discussed "Principals, agents, and transport in locatio conductio". This was followed by Mr. Benedikt Forschner (Erlangen/Edinburgh) who explored the historical and legal issues of the famous case of "The ship of Saufeius", providing an ingenious solution that did not neglect paligenetic questions. This was followed by a short reception.

The next day opened with Professor Roberto Fiori (Rome) expounding his main ideas on letting and hiring in a paper entitled "Locatio conductio: the 'infinite' contract". Dr Wolfram Buchwitz (Bonn) then discussed "Probatio operis: liability for material defects in locatio conductio operis", exploring the significance of probation, introducing significant epigraphic evidence of the role of probatio in construction contracts. Dr. Orietta Cordovana (Freie Universitaet, Berlin) then considered "Soil quality, social status and locatio conductio contracts", exploring a series of complex situations derived from a range of historical sources. Finally, Professor Jose Antonio Martinez Vela (Albacete) spoke on "The reception of locatio conductio in medieval Spanish law, with specific reference to *relocatio tacita*". This provided a view of the complex history of the Iberian peninsula before an illuminating discussion of the texts of the *Siete Partidas*.

The Conference was scheduled to allow for considerable discussion and much ground was covered in it. It concluded with a lively dinner.



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